

**United States District Court
Eastern District of Wisconsin (Green Bay)
CIVIL DOCKET FOR CASE #: 1:15-cv-01292-WCG**

Riederer v. United Healthcare Services Inc
Assigned to: Chief Judge William C Griesbach
Cause: 29:201 Fair Labor Standards Act

Date Filed: 10/30/2015
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Sandra Riederer

represented by **Larry A Johnson**
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V.

Defendant

United Healthcare Services Inc

represented by **Alexius C O'Malley**
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Date Filed	#	Page	Docket Text
10/30/2015	<u>1</u>		COMPLAINT with Jury Demand; against All Defendants by Sandra Riederer. (Filing Fee PAID \$400 receipt number 0757-2211453) (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons United Healthcare Services, Inc., # <u>3</u> Exhibit A: Consent form for Plaintiff Riederer)(Murshid, Summer)
10/30/2015	<u>2</u>		DISCLOSURE Statement by All Plaintiffs. (Attachments: # <u>1</u> Certificate of Service)(Murshid, Summer)
10/30/2015			NOTICE Regarding assignment of this matter to Chief Judge William C Griesbach ;Consent/refusal forms for Magistrate Judge Joseph to be filed within 21 days;the consent/refusal form is available on our web site (jcl)
11/02/2015			Summons Issued as to United Healthcare Services Inc. (aw)
11/02/2015			TEXT ONLY ORDER: Plaintiff <u>must</u> file proof of service of the complaint or a report on the status of service for each defendant within 45 days of the date of this order. Signed by Chief Judge William C Griesbach on 11/2/2015. (cc: all counsel)(Griesbach, William)
11/04/2015	<u>3</u>		Consent to Jurisdiction by US Magistrate Judge by All Plaintiffs. (Murshid, Summer)
11/11/2015	<u>4</u>		SUMMONS Returned Executed by All Plaintiffs. All Defendants. (Murshid, Summer)
11/17/2015	<u>5</u>		NOTICE of Appearance by Joseph S Turner on behalf of United Healthcare Services Inc. Attorney(s) appearing: Joseph S. Turner (Turner, Joseph)
11/18/2015	<u>6</u>		Unopposed MOTION for Extension of Time to File Answer <i>or Otherwise Respond to Plaintiff's Complaint</i> by United Healthcare Services Inc. (Turner,

		Joseph)
11/18/2015	<u>7</u>	DISCLOSURE Statement by United Healthcare Services Inc. (Turner, Joseph)
11/19/2015		TEXT ONLY ORDER GRANTING <u>6</u> Unopposed MOTION for Extension of Time. The Defendant shall have an additional 14 days, up to and including December 8, 2015, to answer or otherwise respond to Plaintiff's complaint, signed by Chief Judge William C Griesbach on November 19, 2015. (cc: all counsel)(Griesbach, William)
12/08/2015	<u>8</u>	MOTION to Dismiss , MOTION to Compel by United Healthcare Services Inc. (Turner, Joseph)
12/08/2015	<u>9</u>	BRIEF in Support filed by United Healthcare Services Inc re <u>8</u> MOTION to Dismiss MOTION to Compel . (Turner, Joseph)
12/08/2015	<u>10</u>	DECLARATION of Joseph S. Turner <i>in Support of Defendant's Motion to Dismiss Plaintiff's Complaint and to Compel Individual Arbitration of Plaintiff's Claims or, in the Alternative, to Stay Litigation Pending Individual Arbitration of the Plaintiff's Claims</i> (Turner, Joseph)
12/08/2015	<u>11</u>	DECLARATION of Christopher Sprau <i>in Support of Defendant's Motion to Dismiss Plaintiff's Complaint and to Compel Individual Arbitration of Plaintiff's Claims or, in the Alternative, to Stay Litigation Pending Individual Arbitration of the Plaintiff's Claims</i> (Turner, Joseph)
12/09/2015	<u>12</u>	NOTICE of Appearance by Alexius C O'Malley on behalf of United Healthcare Services Inc. Attorney(s) appearing: Alexius C. O'Malley (O'Malley, Alexius)
12/10/2015		NOTICE of Electronic Filing Error to Alexius O'Malley re <u>12</u> Notice of Appearance filed by United Healthcare Services Inc ; Electronically filed documents should not be scanned whenever possible. This document does not need to be re-filed; Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (aw)
12/17/2015	<u>13</u>	Rule 7(h) Expedited Non-Dispositive MOTION to Stay by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order)(Murshid, Summer)
12/17/2015	<u>14</u>	DECLARATION of Summer H. Murshid (Murshid, Summer)
12/23/2015	<u>15</u>	RESPONSE to Motion filed by United Healthcare Services Inc re <u>13</u> Rule 7(h) Expedited Non-Dispositive MOTION to Stay <i>and to Plaintiff's Request for Equitable Tolling of the Statute of Limitations</i> . (Turner, Joseph)
01/27/2016	<u>16</u>	ORDER signed by Chief Judge William C Griesbach on 1-27-16 terminating <u>8</u> Motion to Dismiss; terminating <u>8</u> Motion to Compel; granting <u>13</u> Motion to Stay. (cc: all counsel) (Griesbach, William)
06/28/2016	<u>17</u>	LETTER from Summer H. Murshid <i>Joint Letter Requesting a Status Conference</i> . (Murshid, Summer) (Additional attachment(s) added on 6/29/2016: # <u>1</u> Decision Order 15-2997) (lh).
07/05/2016	<u>18</u>	NOTICE of Hearing: (cc: all counsel) Status Conference set for 7/12/2016 03:30 PM in By Telephone before Chief Judge William C Griesbach. (cav)
07/13/2016	<u>19</u>	

			Minute Entry for proceedings held before Chief Judge William C Griesbach: Status Conference held on 7/13/2016. Court orders the Stay is lifted and <u>8</u> Motion to dismiss and Motion to compel are reinstated. (Tape #071216) (lh)
07/13/2016	<u>20</u>	8	ORDER denying <u>8</u> Motion to Dismiss and Compel Arbitration, signed by Chief Judge William C Griesbach on 07/13/2016. The Clerk is directed to set this matter for a telephone scheduling or status conference to be held not less than twenty days from the date of this order. (cc: all counsel) (Griesbach, William)
07/13/2016		10	NOTICE of TELEPHONE Hearing: (cc: all counsel) TELEPHONE Scheduling Conference set for 7/29/2016 09:00 AM by Telephone before Chief Judge William C Griesbach. The court will initiate the call. Counsel are to provide the number at which they can be reached to the Office of the Clerk at wied_clerks_gb@wied.uscourts.gov(Griesbach, William)
07/14/2016	<u>21</u>	11	NOTICE of Appearance by Katherine F Mendez on behalf of United Healthcare Services Inc. Attorney(s) appearing: Katherine F. Mendez (Mendez, Katherine)
07/25/2016	<u>22</u>	5	NOTICE OF APPEAL by United Healthcare Services Inc re <u>20</u> . Filing Fee PAID \$505, receipt number 0757-2387506 (cc: all counsel) (Mendez, Katherine)
07/27/2016	<u>23</u>		Attorney Cover Letter re: <u>22</u> Notice of Appeal (tp)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SANDRA RIEDERER,
individually and on behalf of all others similarly
situated,

Plaintiffs,

Case No. 15-C-1292

v.

UNITED HEALTHCARE SERVICES, INC.,
Defendant.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendant United Healthcare Services, Inc. (“United Healthcare”), pursuant to Section 16 of the Federal Arbitration Act, hereby appeals to the United States Court of Appeals for the Seventh Circuit the Court’s Order entered in this action on July 13, 2016 [Docket No. 20] denying United Healthcare’s Motion to Dismiss and Compel Individual Arbitration. *See* 9 U.S.C. § 16(a) (permitting immediate appeal of order denying motion to compel arbitration); *Janiga v. Questar Capital Corp.*, 615 F.3d 735, 740 (7th Cir. 2010) (“an interlocutory appeal may be taken from a district court order ‘refusing a stay of any action . . . under this title’ or ‘denying a petition . . . to order arbitration to proceed.’”) (citing 9 U.S.C. § 16).

DATED: July 25, 2016

Respectfully submitted,

UNITED HEALTHCARE SERVICES, INC.

By: s/ Katherine F. Mendez

One of Its Attorneys

Joseph S. Turner
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Katherine F. Mendez
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CERTIFICATE OF SERVICE

I, Joseph Turner, an attorney, hereby certify that on July 25, 2016, a copy of the foregoing **NOTICE OF APPEAL** was electronically filed via the Court's CM/ECF system, which transmitted service of the same upon the following counsel of record for Applicant:

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Larry A. Johnson
Timothy P. Maynard
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Attorneys for Plaintiff

s/ Katherine F. Mendez
Katherine F. Mendez

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SANDRA RIEDERER,

Plaintiff,

v.

Case No. 15-C-1292

UNITED HEALTHCARE SERVICES, INC.,

Defendant.

ORDER DENYING MOTION TO DISMISS

Plaintiff Sandra Reiderer brought this action on behalf of herself and other similarly situated against her former employer, United Healthcare Services, Inc. Reiderer alleges that she and other United Healthcare employees were denied overtime wages under its illegal pay policy in violation of the Fair Labor Standards Act of 1938 (FLSA) and Wisconsin Wage and Hour Loss. The action was filed on October 30, 2015.

On December 8, 2015, United Healthcare filed a motion to dismiss and compel individual arbitration of plaintiff's claims. The motion was based on an agreement between United Healthcare and its employees that required claims for unpaid overtime under the FLSA and the Wisconsin wage and hour laws to be resolved through arbitration on an individual basis. On December 17, 2015, Plaintiff filed a motion to stay the proceedings pending the Seventh Circuit's anticipated decision in *Lewis v Epic Sys. Corp.*, 2016 WL 3029464 (7th Cir. May 26, 2016); 15-CV-82-BBC (W.D. Wis. 2015) Appeal docketed, No. 15-2997 (7th Cir. 2015). Plaintiff pointed out that the issue of whether such an agreement was enforceable was before the court in *Lewis* and that the decision in that case

would resolve the issue raised by United Healthcare's motion here. United Healthcare agreed, and Plaintiff's motion was granted.

On May 26, 2016, the Seventh Circuit issued its decision in *Lewis*, holding that an agreement mandating individual arbitration of FLSA claims brought by groups of employees violated the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. and is also unenforceable under the Federal Arbitration Act (FAA), 9 U.S.C. § 1 et seq. Since the arbitration provision of the agreement in that case is essentially the same as the one United Healthcare seeks to enforce, *Lewis* is controlling here. I therefore conclude that United Healthcare's motion to dismiss must be and the same hereby is denied. The Clerk is directed to set this matter for a telephone scheduling or status conference to be held not less than twenty days from the date of this order.

SO ORDERED this 13th day of July, 2016.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court

MIME-Version:1.0
From:ecfmaster@wied.uscourts.gov
To:ecfmaster@wied.uscourts.gov
Bcc:
--Case Participants: Larry A Johnson (ecampos@hq-law.com, ljohnson@hq-law.com), Timothy P Maynard (ecampos@hq-law.com, tmaynard@hq-law.com), Summer H Murshid (ecampos@hq-law.com, kkasprzak@hq-law.com, smurshid@hq-law.com), Alexius C O'Malley (aomalley@seyfarth.com, cbryant@seyfarth.com, chidocket@seyfarth.com), Joseph S Turner (jturner@seyfarth.com, nszymborski@seyfarth.com), Chief Judge William C Griesbach (alyssa_kempke@wied.uscourts.gov, mary_fisher@wied.uscourts.gov, paul_quast@wied.uscourts.gov, stephen_dries@wied.uscourts.gov, terri_ficek@wied.uscourts.gov, william_griesbach@wied.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:2820202@wied.uscourts.gov
Subject:Activity in Case 1:15-cv-01292-WCG Riederer v. United Healthcare Services Inc
Notice of Hearing
Content-Type: text/html

United States District Court

Eastern District of Wisconsin

Notice of Electronic Filing

The following transaction was entered on 7/13/2016 at 1:31 PM CDT and filed on 7/13/2016

Case Name: Riederer v. United Healthcare Services Inc

Case Number: 1:15-cv-01292-WCG

Filer:

Document Number: No document attached

Docket Text:

NOTICE of TELEPHONE Hearing: (cc: all counsel) TELEPHONE Scheduling Conference set for 7/29/2016 09:00 AM by Telephone before Chief Judge William C Griesbach. The court will initiate the call. Counsel are to provide the number at which they can be reached to the Office of the Clerk at wied_clerks_gb@wied.uscourts.gov(Griesbach, William)

1:15-cv-01292-WCG Notice has been electronically mailed to:

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Timothy P Maynard tmaynard@hq-law.com, ecampos@hq-law.com

1:15-cv-01292-WCG Notice has been delivered by other means to:

SANDRA RIEDERER, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

UNITED HEALTHCARE SERVICES, INC.,

Defendant.

UNITED HEALTHCARE SERVICES, INC.,)
)
Defendant.)

Case 1:15-cr-00222-WCG Document 1 Filed 07/14/16 Page 1 of 24

CERTIFICATE OF SERVICE

Katherine F. Mendez, an attorney, certifies that she caused a true and correct copy of the foregoing **NOTICE OF APPEARANCE** was filed with the Clerk of the Court using the CM/ECF system on July 14, 2016, which will send notification of such filing to the following:

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/s/ Katherine F. Mendez

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